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No. 2450

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United States  
**Circuit Court of Appeals**  
For the Ninth Circuit

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NELLIE M. RININGER and HELEN DOROTHY  
RININGER, a Minor, by A. S. KERRY, her  
Guardian,

Plaintiffs in Error.

VS.

PUGET SOUND ELECTRIC RAILWAY, a Cor-  
poration, and PUGET SOUND TRACTION,  
LIGHT & POWER COMPANY, a Corporation,  
Defendants in Error.

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**Transcript of Supplemental Record**

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Upon Writ of Error to the United States District  
Court for the Western District of Wash-  
ington, Northern Division.

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Filed

JUL 30 1914



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*In the District Court of the United States for the  
Western District of Washington. Northern  
Division.*

No. 2568.

NELLIE M. RININGER and HELEN DOROTHY  
RININGER, a Minor, by A. S. KERRY, her  
Guardian,

Plaintiffs in Error,

vs.

PUGET SOUND ELECTRIC RAILWAY, a Cor-  
poration, and PUGET SOUND TRACTION,  
LIGHT & POWER COMPANY, a Corporation,  
Defendants in Error.

**Names and Addresses of Counsel.**

H. H. A. HASTINGS, ESQ., Attorney for  
Plaintiffs in Error, 64 Haller Block, Seattle, Wash-  
ington.

L. B. STEDMAN, Attorney for Plaintiffs in  
Error, 64 Haller Block, Seattle, Washington.

JAMES B. HOWE, ESQ., Attorney for De-  
fendants in Error, 235 Pioneer Building, Seattle,  
Washington.

HUGH A. TAIT, ESQ., Attorney for Defend-  
ants in Error, 235 Pioneer Building, Seattle. Wash-  
ington.



*In the Superior Court of the State of Washington,  
for King County.*

No. 95920.

NELLIE M. RININGER and HELEN DOROTHY  
RININGER, a Minor, by A. S. KERRY, her  
Guardian,

Plaintiffs,

v.

PUGET SOUND ELECTRIC RAILWAY, a Cor-  
poration, and PUGET SOUND TRACTION,  
LIGHT & POWER COMPANY, a Corporation,  
Defendants.

### **Petition for Removal.**

To the Honorable the Superior Court of the State  
of Washington, for King County:

The petition of defendants Puget Sound Elec-  
tric Railway and Puget Sound Traction, Light &  
Power Company respectfully shows:

#### **I.**

Your petitioner Puget Sound Electric Railway  
at the time of the commencement of the above  
entitled suit was, ever since has been, and now is,  
a corporation created and existing under the laws  
of the State of New Jersey, and at all of said times  
was and now is a citizen of said State of New Jersey  
and at all of said times was and now is a resident of  
said State of New Jersey and a non-resident of the  
State of Washington.

#### **II.**

Your petitioner Puget Sound Traction, Light



& Power Company, at the time of the commencement of the above entitled suit was, ever since has been, and now is, a corporation created and existing under the laws of the State of Massachusetts, and at all of said times was and now is a citizen of said State of Massachusetts, and at all of said times was and now is a resident of said State of Massachusetts, and at all of said times was and now is a resident of said State of Massachusetts and a non-resident of the State of Washington.

III.

The above named plaintiffs Nellie M. Rininger and Helen Dorothy Rininger, a minor, and her guardian, A. S. Kerry, at the time of the commencement of the above entitled suit, were, ever since have been and each now is a citizen of the United States and a citizen and resident of the State of Washington and of the northern division of the western district of Washington.

IV.

The above entitled suit and the entire controversy therein is between your petitioners as defendants and the above named Nellie M. Rininger and Helen Dorothy Rininger, a minor, by A. S. Kerry, her guardian, as plaintiffs. The above entitled suit is a suit at common law, of a civil nature, wherein the matter in controversy at the time of the commencement of the above entitled suit exceeded and now exceeds, exclusive of interest and costs, the sum or value of three thousand dollars (\$3000), and is a suit between citizens of different states.

## V.

Your petitioners offer herewith a bond, with good and sufficient surety, for their entering in the District Court of the United States, for the Western District of Washington, Northern Division, within thirty (30) days from the date of filing said petition, a certified copy of the record in this suit, and for paying all costs that may be awarded by the said District Court, if said District Court shall hold that this suit was wrongfully or improperly removed thereto.

WHEREFORE, your petitioners pray this court to proceed no further herein, except to make an order of removal and to accept the said surety and bond, and to cause this suit and the record herein to be removed into the District Court of the United States, for the Western District of Washington, Northern Division. And your petitioners will ever pray, etc.

JAMES B. HOWE,  
HUGH A. TAIT,  
Attorneys for Petitioners.

State of Washington, County of King. ss.

Jacob Furth, being first duly sworn, on oath deposes and says: I have read the foregoing petition, know the contents thereof, and believe the same to be true. I make this affidavit and verification in behalf of the petitioners Puget Sound Electric Railway and Puget Sound Traction, Light & Power Company, because said petitioners are and

each of them is a corporation, and I am the President of each of said petitioners.

(Seal)

JACOB FURTH.

Subscribed and sworn to before me this 26th day of August, 1913.

O. B. AYRES,

Notary Public in and for the State of Washington,  
residing at Seattle.

Filed in Clerk's office Aug. 26, 1913.

W. K. SICKELS, Clerk.

By G. A. GRANT, Deputy.

Indorsed: Filed in U. S. District Court, Western Dist. of Washington, Sept. 23, 1913. Frank L. Crosby, Clerk. By E. M. L., Deputy.

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*In the District Court of the United States for the  
Western District of Washington, Northern  
Division.*

No. 2568.

NELLIE M. RININGER and HELEN DOROTHY  
RININGER, a Minor, by A. S. KERRY, her  
Guardian,

Plaintiffs,

v.

PUGET SOUND ELECTRIC RAILWAY, a Corporation, and PUGET SOUND TRACTION,  
LIGHT & POWER COMPANY, a Corporation,  
Defendants.

### **Order of Removal.**

The petition of the defendants in the above



entitled cause, Puget Sound Electric Railway, a corporation, and Puget Sound Traction, Light & Power Company, a corporation, for the removal of the above entitled cause to the District Court of the United States, for the Western District of Washington, Northern Division, having been duly presented in open court, and the bond of the defendants, with good and sufficient surety thereon, being tendered with said petition, and it appearing that the cause is one which is proper to be removed to the District Court of the United States, it is ordered and adjudged that the above entitled cause be and the same is hereby transferred to the District Court of the United States, for the Western District of Washington, Northern Division, and that no further proceedings be had herein, except to transmit a certified copy of the record to said court.

Done in open court this 28th day of August, 1913.

A. W. FRATER, Judge.

Filed in Clerk's office Aug. 28, 1913. W. K. Sickels, Clerk. By G. A. Grant, Deputy.

Indorsed: Filed in the U. S. District Court, Western Dist. of Washington, Northern Division, Sep. 23, 1913. Frank L. Crosby, Clerk. By E. M. L., Deputy.

*In the Superior Court of the State of Washington,  
for King County.*

No. 95920.

NELLIE M. RININGER and HELEN DOROTHY  
RININGER, a Minor, by A. S. KERRY, her  
Guardian,

Plaintiffs,

v.

PUGET SOUND ELECTRIC RAILWAY, a Cor-  
poration, and PUGET SOUND TRACTION,  
LIGHT & POWER COMPANY, a Corporation,  
Defendants.

**Bond on Removal.**

KNOW ALL MEN BY THESE PRESENTS,  
That defendant Puget Sound Electric Railway, a  
corporation created and existing under the laws of  
the State of New Jersey, and defendant Puget  
Sound Traction, Light & Power Company, a corpo-  
ration created and existing under the laws of the  
State of Massachusetts, as principals, and Jacob  
Furth, as surety, are held and firmly bound unto  
Nellie M. Rininger, Helen Dorothy Rininger, a  
minor, and A. S. Kerry, her guardian, the above  
named plaintiffs, their and each of their heirs,  
executors, administrators, successors and assigns,  
in the penal sum of five hundred dollars (\$500), for  
which payment, well and truly to be made, we bind  
ourselves, our and each of our heirs, executors,  
administrators, successors and assigns, jointly and  
severally, firmly by these presents.

Sealed with our seals, and dated this 26th day of August, A. D. 1913.

The condition of the above obligation is such that

WHEREAS, The above named plaintiffs instituted the above entitled suit in the Superior Court of the State of Washington for King County against the above named defendants; and

WHEREAS, The above named defendants have petitioned for the removal of the above entitled suit from said court to the District Court of the United States for the Western District of Washington, Northern Division,

NOW, THEREFORE, If the said Puget Sound Electric Railway and Puget Sound Traction, Light & Power Company shall enter in said District Court of the United States, within thirty (30) days from the date of filing of said petition, a certified copy of the record in the above entitled suit, and shall well and truly pay all costs that may be awarded by said District Court of the United States, if said District Court shall hold that said suit was wrongfully or improperly removed thereto, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

WITNESS our hands and seals, the day and year first above written.

PUGET SOUND ELECTRIC RAILWAY,  
(Seal)

By JACOB FURTH,  
Its President.



PUGET SOUND TRACTION, LIGHT & POWER  
COMPANY,

(Seal)

By JACOB FURTH,  
Its President.  
JACOB FURTH.

State of Washington, County of King. ss.

JACOB FURTH, being first duly sworn, on oath says that he is a resident of the State of Washington and County of King; that he is not a counsellor or attorney at law, sheriff, clerk of the Superior Court, or other officer of such court; that he is worth the sum of five hundred dollars (\$500), in property situated within said King County, Washington, over and above all debts, and exclusive of property exempt from execution.

JACOB FURTH.

Subscribed and sworn to before me this 26th day of August, 1913.

(Seal)

O. B. AYRES,  
Notary Public in and for the State of Washington,  
residing at Seattle.

On this 28th day of August, 1913, the Petition for Removal in the above entitled cause was presented to the undersigned judge of the above named court, in open court, and at the same time the foregoing bond was presented; and the foregoing bond and the surety thereon are, by the undersigned, taken and approved the day aforesaid.

A. W. FRATER,  
Judge.



Filed in Clerk's Office Aug. 26, 1913. W. K. Sickels, Clerk. G. A. Grant, Deputy.

Indorsed: Filed in the U. S. District Court, Western Dist. of Washington, Sept. 23, 1913. Frank L. Crosby, Clerk. By E. M. L., Deputy.

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*In the District Court of the United States for the Western District of Washington, Northern Division, and*

*In the United States Circuit Court of Appeals, Ninth Circuit.*

No. 2568.

NELLIE M. RININGER and HELEN DOROTHY RININGER, a Minor, by A. S. KERRY, her Guardian,

Plaintiffs,

vs.

PUGET SOUND ELECTRIC RAILWAY, a Corporation, and PUGET SOUND TRACTION, LIGHT & POWER COMPANY, a Corporation, Defendants.

### **Stipulation.**

It is hereby stipulated by and between counsel for plaintiffs in error and counsel for defendant in error that the exhibits in this cause, being plaintiffs' in error exhibits 1 to 14, inclusive, and defendants' in error exhibits A, B, C, D, E, F, G, H, I, J, K, L, M and N, shall be transmitted to and filed with the Clerk of the United States Circuit Court of Appeals for the Ninth Circuit, at San Francisco, and that

none of said exhibits shall be copied into the printed record or printed or reproduced but that the originals shall be considered and treated as a part of the record in this cause upon the hearing upon the merits of said appeal.

HASTINGS & STEDMAN,  
Attorneys for Plaintiffs in Error.

JAMES B. HOWE,  
HUGH A. TAIT,  
Attorneys for Defendant in Error.

Indorsed: Stipulation. Filed in the U. S. District Court, Western Dist. of Washington, Northern Division, July 22, 1914. Frank L. Crosby, Clerk. By E. M. L., Deputy.

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*In the District Court of the United States for the  
Western District of Washington, Northern  
Division.*

No. 2568.

NELLIE M. RININGER and HELEN DOROTHY  
RININGER, a Minor, by A. S. KERRY, her  
Guardian,

Plaintiffs,

vs.

PUGET SOUND ELECTRIC RAILWAY, a Corporation, and PUGET SOUND TRACTION,  
LIGHT & POWER COMPANY, a Corporation,  
Defendants.

**Order.**

It appearing that it is impracticable to reproduce or print the exhibits received in evidence upon

the trial of this cause, and that they should be transmitted to the Clerk of the United States Circuit Court of Appeals for the Ninth Circuit to be used upon the consideration of the appeal in this cause, and it further appears that the parties hereto have stipulated that same shall be so transmitted, and shall not be printed or reproduced, but that the originals shall be considered upon the hearing of the appeal in this cause;

It is therefore ordered that the exhibits introduced in evidence by plaintiffs in error, to-wit, plaintiffs' exhibits 1 to 14, inclusive, and defendant's in error exhibits A, B, C, D, E, F, G, H, I, J, K, L, M and N, shall be transmitted by the Clerk of this Court to the Clerk of the United States Circuit Court of Appeals for the Ninth Circuit, and that same shall not be printed or reproduced, but that the originals shall be considered as a part of the record in this cause, and considered by the said United States Circuit Court of Appeals in determining this appeal.

Done in open court this 22nd day of July, A. D. 1914.

EDWARD A. CUSHMAN.

Indorsed: Order. Filed in the U. S. District Court, Western Dist. of Washington, Northern Division, July 22, 1914. Frank L. Crosby, Clerk. By E. M. L., Deputy.

*In the District Court of the United States for the  
Western District of Washington, Northern  
Division.*

No. 2568.

NELLIE M. RININGER and HELEN DOROTHY  
RININGER, a Minor, by A. S. KERRY, her  
Guardian,

Plaintiffs,

vs.

PUGET SOUND ELECTRIC RAILWAY, a Cor-  
poration, and PUGET SOUND TRACTION,  
LIGHT & POWER COMPANY, a Corporation,  
Defendants.

**Praecipe.**

TO THE CLERK OF THE ABOVE ENTITLED  
COURT:

You will please prepare and certify Supplemental printed record in above case consisting of Petition for Removal, Order of Removal, Bond on Removal, including this Praecipe, and your Certificate. Also Stipulation waiving printing of Exhibits and Order on same.

HASTINGS & STEDMAN,

Attorneys for Plaintiff in Error.

Indorsed: Praecipe for Process, etc. Filed in the U. S. District Court, Western District of Washington, Northern Division, July 23, 1914. Frank L. Crosby, Clerk. By E. M. L., Deputy.



*In the District Court of the United State for the  
Western District of Washington. Northern  
Division.*

No. 2568.

NELLIE M. RININGER and HELEN DOROTHY  
RININGER, a Minor, by A. S. KERRY, her  
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Plaintiffs,

vs.

PUGET SOUND ELECTRIC RAILWAY, a Cor-  
poration, and PUGET SOUND TRACTION,  
LIGHT & POWER COMPANY, a Corporation,  
Defendants.

**Certificate of Clerk U. S. District Court to Transcript  
of Supplemental Record, Etc.**

WESTERN DISTRICT OF WASHINGTON, ss.  
UNITED STATES OF AMERICA,

I, Frank L. Crosby, Clerk of the United States District Court, for the Western District of Washington, do hereby certify the foregoing 16 printed pages, numbered from 1 to 16, inclusive, to be a full, true, correct and complete copy of so much of the record and other proceedings in the above and foregoing entitled cause as are necessary to the hearing of said cause on Writ of Error therein in the United States Circuit Court of Appeals for the Ninth Circuit, as is stipulated for by counsel of record herein in Supplemental Praecipe, as the same remain of record and on file in the office of the

Clerk of said District Court, and that the same constitute the record on return to said Writ of Error herein from the judgment of said United States District Court for the Western District of Washington to the United States Circuit Court of Appeals for the Ninth Circuit.

I further certify the following to be a full, true and correct statement of all expenses, costs, fees and charges incurred and paid into my office by or on behalf of the Plaintiffs in Error for the preparation and certification of the Supplemental Record issued to the United States Circuit Court of Appeals for the Ninth Circuit in the above entitled cause, to-wit:

Clerk's fee (Sec. 828 R. S. U. S. as Amended by Sec. 6, Act of March 2, 1905) for making record, certificate or return, 14 folios at 30c.....	\$ 4.20
Certificate of Clerk to transcript of record, 3 folios at 30c.....	.90
Seal to said Certificate.....	.40
Statement of cost of printing Supplemental Transcript of record, collected and paid .....	20.00
	<hr/>
	\$25.50

I hereby certify that the above cost for preparing and certifying Supplemental Record, amounting to \$25.50, has been paid to me by Messrs. Hastings & Stedman, Attorneys for Plaintiffs in Error.

IN WITNESS WHEREOF, I have hereto set my hand and affixed the seal of said District Court at Seattle, in said District, this 25th day of July, 1914.

FRANK L. CROSBY, Clerk.